

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNY WILLIAMS,

Petitioner,

v.

Case Number: 4:14-CV-12977
Honorable Linda V. Parker

MARY BERGHUIS,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S
REQUEST FOR VOLUNTARY DISMISSAL AND DENYING AS MOOT
HIS MOTION TO HOLD PETITION IN ABEYANCE**

On July 29, 2014, Petitioner Johnny Williams, a state inmate currently incarcerated at the Earnest C. Brooks Correctional Facility in Muskegon, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. A week later, Petitioner filed a motion asking the Court to hold the petition in abeyance (ECF No. 4); and on September 2, 2014, he filed a motion to voluntarily dismiss the petition. (ECF No. 6.)

Petitioner now seeks dismissal of this action, indicating that he did not cause the petition to be filed and did not consent to anyone filing it on his behalf. (ECF No. 6 at Pg ID 21.) Federal Rule of Civil Procedure 41(a) permits a plaintiff to dismiss an action without leave of the adverse party or the court at any time before

service of an answer or a motion for summary judgment by the adverse party.

Respondent has not yet been served with the petition and, therefore, has not filed an answer or motion for summary judgment.

Accordingly,

IT IS ORDERED, that Petitioner's "Motion for Voluntary Dismissal, Without Prejudice, of Habeas Corpus Petition" (ECF No. 6) is **GRANTED** and the matter is **DISMISSED WITHOUT PREJUDICE**;

IT IS FURTHER ORDERED, that Petitioner's "Motion to Hold and Stay in Abeyance" (ECF No. 4) is **DENIED AS MOOT**.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 30, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 30, 2014, by electronic and/or U.S. First Class mail.

S/ Richard Lourt
Case Manager